Before an Expert Panel appointed under the Fast-track Approvals Act 2024

I mua i te roopu tohunga

Under	the Fast-track Approvals Act 2024
In the matter of	A substantive application for alterations to existing designations, resource consents, a wildlife approval and complex freshwater fisheries activity approval to construct, maintain and operate the Mill Road Project - Stage 1
Between	**New Zealand Transport Agency Waka Kotahi** Applicant

Memorandum of counsel for the New Zealand Transport Agency Waka Kotahi in response to a request for further information on completeness

Dated 19 October 2026

DENTONS

18 Viaduct Harbour Avenue
Private Bag 92101
Auckland 1142

P +64 9 379 4196
F +64 9 309 4276
DX CP22001

Solicitors: Christina Sheard/Liam Bullen
E christina.sheard@dentons.com/liam.bullen@dentons.com

1 Introduction

1.1 This memorandum of counsel responds to the request for further information by the Environmental Protection Authority ('**EPA**') dated 5 October 2026. The request relates to the substantive application lodged by New Zealand Transport Agency Waka Kotahi ('**NZTA**') under the Fast-track Approvals Act 2024 ('**FTAA**') for the Mill Road Project – Stage 1 (the '**Application**' or '**Project**').

1.2 The EPA's request for further information asks for:

a An explanation as to the rationale for inclusion of various aspects of the Project which were not expressly identified in the Project description contained in the Minister for Infrastructure's ('**Minister**') referral decision and whether NZTA considers these works to be within the scope of the referred project; and

b Further information relating to comments from the Department of Conservation ('**DOC**') on the complex freshwater fisheries activity approval and wildlife approval sought.

2 Scope

2.1 One of the criteria to be satisfied in the EPA's assessment of completeness and scope is that the Application must relate solely to a listed or referred project.[1] The Project was referred by the Minister on 14 November 2025.

2.2 The term 'project' is defined in the FTAA (in relation to referred projects) as "the project as described in the notice under section 28" and "includes any activity that is **involved in**, or that **supports** and is **subsidiary to**" that project.[2]

2.3 The EPA states that the Application includes several items that were not expressly identified in the Minister's referral decision comprising:

a Signalisation or upgrades to traffic signals at five existing intersections – Diorella Drive, Hollyford Drive/ Everglade Drive, Goodwood Road, Hilltop Road and Murphys Road;

b Intersection upgrades at Bartells Drive and Alexia Place;

[1] Fast-track Approvals Act 2024, section 46(2)(b).
[2] Fast-track Approvals Act 2024, section 4.

c Construction of three new bridges (within the Rural section) where the road alignment crosses the existing Mill Road, Puhinui Gully, and Cheesman's Bush; and

d Changes to Totara Park.

2.4 NZTA submits that all of these aspects are clearly within the scope of the referred project which includes all the components of the Project.

2.5 The referral notice issued under section 28 FTAA for the Project describes the Project as:[3]

> The project is described as being to undertake an infrastructure development upgrade of the transport corridor (approximately 7 kilometres). The project area is Mill Road (linear) corridor – between the Redoubt Road interchange on State Highway 1 (SH1) in Manukau to the Phillip Road intersection with Mill Road in Takanini, Auckland.
>
> The project includes:
>
> a. an upgrade of the existing Mill Road to four lanes and associated local road connections;
>
> b. a westbound bus lane on Redoubt Road between Hollyford Drive and SH1; and
>
> c. a new shared path active mode facility along Mill Road from the SH1/ Mill Road interchange to the intersection of Murphy's Road.

2.6 The Project, as described in the referral notice, is an "infrastructure development upgrade of the transport corridor (approximately 7 kilometres)" in the "Mill Road (linear) corridor – between the Redoubt Road interchange on State Highway 1 (SH1) in Manukau to the Phillip Road intersection with Mill Road in Takanini, Auckland".

2.7 The FTAA does not anticipate that every single component of a project will be listed in either the list in Schedule 2 of the FTAA or the referral decisions issued by the Minister. Section 13(4) of the FTAA requires a 'description' of the project to be included in the referral application.

2.8 The Mill Road Project is a large, complex infrastructure project encompassing a wide range of construction activities. The description is non-exhaustive and sets the broad parameters of what the Project involves. Individual traffic signals,

[3] Notice of decisions on application for referral of the Mill Road Project – Stage 1 issued under section 28 of the Fast-track Approvals Act 2024, dated 14 November 2025, available at: https://www.fasttrack.govt.nz/__data/assets/pdf_file/0019/15175/Mill-Road-Project-Stage-1-Stage-2-Notice-of-decisions_Redacted.pdf.

intersections and bridge upgrades are not specifically listed but are integral parts of the road upgrade described in the referral decision. If all the individual items involved in the construction of the Project were to be listed in the referral decision, the list would be several pages long.

2.9 Some of the proposed work in Totara Park is within the area adjacent to the existing road corridor and is identified on the maps lodged with the referral application. In addition, an area in Totara Park (item 2.3(d)) will be used to undertake stream restoration work to compensate for the freshwater effects of the Project. These works are clearly covered by the definition of the term 'project' (as it relates to referred projects) which includes "any activity that is **involved in**, or that **supports** and is **subsidiary to**" that project.[4]

2.10 In summary, the items referred to above at paragraph 2.1 were included in the scope of the referral application and decision, and have not been subsequently added. They also relate to the Project as described in the referral notice and are therefore within the scope of the referred project.

3 Response to information requested in relation to comments from DOC

3.1 NZTA's response to the information requested in relation to the Wildlife Act and Freshwater Fisheries applications is set out in **Attachment 1**. NZTA submits that the information provided in the Substantive Application and Attachment 1 is sufficient to satisfy the information requirements set out in the FTAA.

Dated 19 October 2026



Christina Sheard / Liam Bullen
Counsel for NZTA

[4] Fast-track Approvals Act 2024, section 4.